

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

OCTOBER 2007

Formal Investiture for Justice Joel Horton

Date: Tuesday, November 20
Time: 2:30 pm MST
Place: Idaho Supreme Court Courtroom
451 W. State Street, Boise
Reception to follow

included being paired with a Bass fishing enthusiast and a volunteer on a boat, a picnic and participation in the Idaho Department of Fish and Game's study of the fish caught. Each participant was awarded a trophy and received donated fishing gear.

As the event grows each year, it continues to be a positive experience for everyone involved. This year, volunteers included probation and detention officers from the Ada County Juvenile Court, counselors, members of the Capital City Kiwanis, family and friends. Idaho Power donated the use of the park and services at the Strike Reservoir and the Idaho Department of Fish and Game sent conservation officers and biologists. Capital City Kiwanis donated \$2,000 and Albertson's donated \$5,000 promising an even greater partnership in the future to help the event extend into other jurisdictions.

4th Annual Bass Fishing Tournament a Success

Judge Vehlow has served the Ada County Juvenile Court since 1990. In that time he has worked tirelessly to find new ways to reach out to troubled youth. One of his most notable projects is "The Scales of Justice" Bass fishing tournament. The day-long event gathers young people who have run into trouble and pairs them with a Bass fisherman and another volunteer for a day of fishing on the Strike Reservoir.

The tournament began out of a promise given to a young probationer in 1999. Judge Vehlow promised the youth that if he could stay out of trouble and get off of probation then he would take him fishing. In 2001, Judge Vehlow was able to keep his promise and he took the youth out for a day on Lake Lowell. After a successful day, the young man confided, "I just want you to know this has been the greatest day of my life." So began the idea for "The Scales of Justice" tournament.

Four tournaments have been held since 2004. This year's tournament was expanded to include participants from Twin Falls, Owyhee and Elmore counties. In total, 27 kids participated in the event which



Judge Vehlow believes that these programs are meaningful to all involved and are worth the great amount of work that goes into them, "If one kid turns away from crime as a result of spending time with an adult that cares, that's good enough for me. There is no way to put a value on that." Judge Vehlow hopes that other jurisdictions will learn from and follow the example set by "The Scales of Justice". He believes that the program illustrates that "we should never be too busy to help kids that need a hand up." Currently he is working with counties around the state to help them pursue similar projects that get kids and adults together to experience nature.





Judge Michael McLaughlin Receives Judicial Professionalism Award

Judge Michael McLaughlin was honored by the Idaho Judiciary for his judicial professionalism. A District Judge for the Fourth District, Judge McLaughlin is this year's recipient of the Granata Award, presented each year to an Idaho judge in recognition of his or her professionalism.

The Granata Award honors the professionalism exhibited by Judge G. Granata Jr. in his 20 years of service on the bench. The award recipient is selected based upon their significant contributions to the Idaho judicial system, proven professionalism and status as a role model.

Judge McLaughlin was nominated by his colleagues in the Fourth District, Judges Darla Williamson and Ronald Wilper. Among their reasons for nominating Judge McLaughlin, Judges Williamson and Wilper applauded him for his leadership in organizing the bench/bar meetings in the Fourth District, working to establish the Ada County Mental Health Court and for serving as a role model for fellow judges. The judges emphasized Judge McLaughlin's efforts to build the mental

health court in Ada County saying "he has done an excellent job in organizing this court and in bringing it to successful fruition. Society and mentally ill defendants have greatly benefited as a result of his positive efforts."

Judge McLaughlin graduated from the University of Idaho in 1973, and received his Juris Doctorate from the University of Idaho, College of Law in 1976. He opened his own practice in 1976. From 1981 to 1984, Judge McLaughlin served as Elmore County Prosecuting Attorney and then returned to private practice. In 1991, he served as Magistrate Judge in the Fourth Judicial District until 1997, when he was appointed by Governor Phil Batt as District Judge for the Fourth Judicial District. Judge McLaughlin is an active member of his community and has been a member of numerous associations and organizations including the American Arbitration Association, CARES Advisory Board and the Idaho Supreme Court Media Committee.

Legislative & Budget Priorities Set

As the 2008 Legislative session nears, the Idaho Courts are setting their budgetary priorities. Top on the list is to make judicial salaries competitive with those in other states. The Court hopes to add an extra 550 days of senior judge time to the district and magistrate courts in order to reduce delays. The Court of Appeals would be greatly aided by the addition of a fourth judge and the necessary support staff. Establishing a Human Resource Office for the Idaho Courts and moving the Court of Appeals from rented space to the Supreme Court building and relocating the Law Library are also included in the 2008 proposal. To promote effective and timely judicial decision making, the courts are also requesting a Deputy Legal Counsel/Staff Attorney to conduct and coordinate necessary legal research for district and magistrate judges, maintain a database of legal research and memoranda, and compile bench guides and other resources in coordination with the Judicial Education Committee.



Blue Cross of Idaho has a Newly Redesigned Web Site

Blue Cross of Idaho has a newly redesigned Web site with an entirely new look. The idea behind the redesign was to add not only a new look, but to make the Web site easier to navigate, and make things easier to find. The Web address is still the same: <http://www.bcidaho.com>

Office of Group Insurance is increasing the maximum benefit age on the group insurance programs from age 23 to age 25, to meet the

intent of legislation passed last session. The change is effective retro-actively to July 1, with the new plan year. They have worked with Blue Cross and Delta Dental to allow employees to re-enroll dependents dropped from coverage due to age during the months of July, August and September. The [notice](#) provides more information. A notice about the change and a link to the document will also be posted on the Employee Portal. If you have any questions, contact Court Services at 208-334-2248.



Governor Appoints Judge Crabtree to 5th District Judgeship

Governor Otter named Cassia County Magistrate Judge Michael Crabtree to fill the 5th District judgeship vacated by the death of Judge Monte Carlson. Before becoming a Magistrate Judge in July 1999, Crabtree practiced law in Twin Falls and was a partner with Judge Carlson from 1991 to 1998.

Judge Crabtree is a Missouri native with bachelor's and law degrees from the University of Kansas. He has served on the Idaho Supreme Court Child Protection Committee since 1998, and served on the Governor's Committee on Children at Risk from 1995, until he was appointed to the magistrate bench.

Judge Crabtree helped create the 5th Judicial District Court Appointed Special Advocates, which recruits and trains volunteers to represent abused children in court, and he was a member of a regional effort to help states increase the number of adoptions of abused children.

The Idaho Judicial Council found him "exceptionally well qualified" to become a district judge.

"Once again, the Judicial Council did great work and nominated a candidate whose experience and standing in the legal community are above reproach," Governor Otter said. "I'm confident Judge Crabtree will add to his reputation as a fine jurist on the district bench, and that the people of southern Idaho will be very well served."

Third District Youth Court Program

The 3rd District Youth Court program held the swearing-in of the 2007-2008 volunteers on Tuesday, October 9th at the Canyon County Courthouse.

Applicants for Jefferson County Magistrate Judge Position (Judge Kennedy)

- ⚖️ Randolph B. Neal
- ⚖️ Stephen D. Hall
- ⚖️ John E. Cutler
- ⚖️ Paul E. Remy
- ⚖️ Paul G. Butikofer
- ⚖️ Robert L. Crowley
- ⚖️ James H. Barrett

Notice of Vacancy, Schedule of Dates- Judge Horton's Position

The Idaho Judicial Council is in the process of selecting nominees to fill the vacancy created by the appointment of the Honorable Joel D. Horton as a Justice of the Idaho Supreme Court effective September 24, 2007. The following have applied for the position:

⚖️ Crossan, Jr., Thomas G.

A Colonel Military Staff Judge Advocate, Brooks City-Base
From San Antonio, Texas

⚖️ Ford, Bradly S.

A Magistrate Judge of the 3rd Judicial District
From Caldwell, Idaho

⚖️ Hansen, Timothy L.

A Magistrate Judge of the 4th Judicial District
From Boise, Idaho

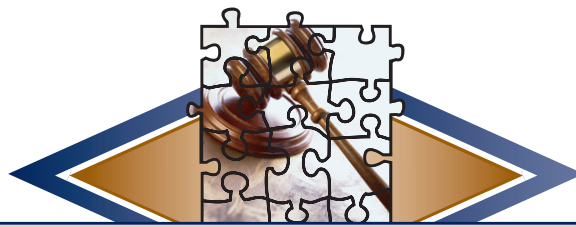
⚖️ Peterson, Jr., Charles F.

A Lawyer in private practice
From Boise, Idaho

⚖️ Von Tagen, William A.

A Deputy Attorney General
From Boise, Idaho

The Council is planning to meet in December for interviews and to select the names of nominees to submit to the Governor.



PROBLEM-SOLVING COURTS

Senator Lodge Honored by Drug Courts

Senator Patti Anne Lodge was honored by Idaho's Statewide Drug Court and Mental Health Court Coordinating Committee. Chief Justice Daniel Eismann presented Senator Lodge with the Drug Court Leadership Award in recognition of her efforts to develop effective criminal sentencing alternatives including drug courts and mental health courts and working to expand funding for drug and alcohol abuse treatment. "We owe genuine thanks to Senator Lodge for her support, advocacy and ongoing leadership role with the Statewide Drug Court and Mental Health Court Coordinating Committee," said Chief Justice Eismann. "The Senate has been instrumental in enhancing services to citizens across the state by providing valuable guidance to Idaho's 50 drug and mental health courts."

Senator Lodge lives in Huston, Idaho, in rural Canyon County, and has provided direct support and personal encouragement to the Canyon and Payette/Washington/Gem/Adams County drug courts. Senator Lodge frequently appears at graduations for drug court participants who successfully complete the demanding program and attain productive, crime-free lives.



National Association of Drug Court Professionals-2008 Annual Training Conference in St. Louis

The National Association of Drug Court Professionals is hosting the 14th Annual Training Conference May 28-31, 2008. Each year the conference teaches attendees the "tools and skills to plan, implement or enhance their drug court or other problem-solving court." This year the conference will be in St. Louis, Missouri and features 22 training tracks, 65 exhibitors and nationally acclaimed speakers. The registration deadline is April 25th and more information, including how to register, can be found by visiting: <http://www.nadcp.org>

Eight Community Mental Health and Substance Abuse Projects Receive State Grant Awards

The Department of Health and Welfare announced that \$2-million in mental health and substance abuse grant awards will go to eight community projects in Idaho.

In 2007, the Idaho Legislature approved a \$2 million appropriation for the Community Mental Health and Substance Abuse Development Grant Program to provide one-time grants for unmet behavioral health needs across the state.

The 23 proposals submitted were first endorsed by their Regional Mental Health Board and then evaluated by a team comprised of representatives from the courts, Department of Juvenile Corrections, the Department of Correction and the Department of Health and Welfare. The final eight projects were chosen on the level of community support, the scope of work, sustainability, plans to evaluate the results and budget.

Grant projects include:

- ⚖ St. Vincent De Paul in Coeur d'Alene's plan to purchase and renovate a motel for transitional housing for adults with mental health issues
- ⚖ Twin Counties United Way in Lewiston's project to provide needs assessment for detoxification services for adults and adolescents
- ⚖ Twin Falls County's plan to create a youth safe house for youth in crisis
- ⚖ Clearwater Economic Development Association in Lewiston development of telemental health services to increase the availability of psychiatric services to include after-hours consultation and appropriate community-based care
- ⚖ Health West Inc. of Pocatello project to design, test and implement an integrated model of behavioral health and primary care
- ⚖ Bear Lake Memorial Hospital's purchase and renovation of a facility for mental health and substance abuse treatment in Montpelier
- ⚖ Positive Connections, LLC in Twin Falls training 10 licensed clinicians in traumatic sexual abuse and treating 20 children and their families
- ⚖ Mental Health Access to Children in Boise expansion of their existing program and improve mental health access for children



Idaho Judges to Attend Harvard Judicial Conference on Self Represented Litigation

To better manage the high number of self-represented litigants, four Idaho Judges and the Director of Court Services are going to the Harvard Judicial Conference on Self Represented Litigation. The conference will gather judges and court staff from thirty-five states to develop bench books, guidelines and educational programs to help resolve cases where litigants do not retain an attorney.

Idaho started three pilot projects in 1998 to assist self-represented litigants. Today, the Court Assistance Office Project provides a wide range of services including simplified court forms, written instructions, brochures and videos. The Standard Forms Committee developed forms and instructions, for a wide variety of cases, understandable by persons with no more than a sixth grade education. These forms and instructions are available from all Court Assistance Offices and can be found on the Idaho Supreme Court's Court Assistance Web site. Through a partnership between the Idaho Courts and Idaho Legal Aid

Services, self-represented litigants can now use Interactive Court Forms. Funded by a Technology Initiative Grant from the Legal Services Corporation, Idaho now has 27 guided interviews to assist litigants through 151 court forms. The program uses a question and answer format to guide the litigant through the necessary forms in order to insure forms are completed with accuracy.

Idaho is sending the delegation to the conference to provide judges with additional educational tools on effectively working with self-represented litigants and to acquaint judges with the "reasonable accommodations" they may afford parties who do not have attorneys, while still remaining impartial in the conduct of their office. The goal of the Idaho team is to return with tools, best practices and models for judicial curricula in these areas to incorporate into our judicial education programs.



Important ISTARS Case Processing Notice

Please make sure that on conservator and guardianship cases you are NOT closing the cases with the order appointing conservator or guardian. (subtypes CC, IB, IC, IG, MB, MC, MG)

The court is responsible for tracking reports on these cases until the relationship of ward/conservator or ward/guardian no longer exists or is terminated.

Also: As you receive accounting reports on cases which may have been previously closed in error please click the status bar and select **"Revert to Prior Status"** until the status is shown as pending, so that the system will count these cases as pending cases (as it should).

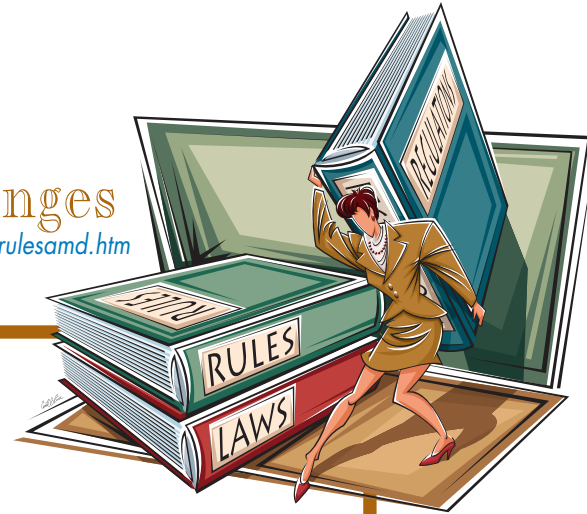
A few examples of reasons that the relationship would be terminated would be:

- ⚖️ Death of the ward
- ⚖️ Ward is a minor who reaches the age of 18
- ⚖️ A new guardian/conservator or both is appointed (you still would not close this case, but would add the new party(s) and continue the monitoring process)

These cases will close when the conservator/guardian relationship does not exist. If in question please ask your judge or contact Julie Cottrell 208-344-3868 or Judge Lowell Castleton 208-947-7417 at the Supreme Court.

New Orders & Rule Changes

For Current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>



Updated Judicial Code of Conduct

We received a question as to the changes in the *Idaho Code of Judicial Conduct* published recently. Three technical corrections were made to sections referenced, the commentary is as follows:

"The proscription against communications concerning a proceeding includes communications from lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted.

To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

Whenever presence of a party or notice to a party is required by Section 3B(7), it is the party's lawyer, or if the party is unrepresented the party, who is to be present or to whom notice is to be given.

An appropriate and often desirable procedure for a court to obtain the advice of a disinterested expert on legal issues is to invite the expert to file a brief *amicus curiae*.

Certain *ex parte* communication is approved by Section 3B(67) to facilitate scheduling and other administrative purposes and to accommodate emergencies. In general, however, a judge must discourage *ex parte* communication and allow it only if all the criteria stated in Section 3B (67) are clearly met.

A judge must not independently investigate facts in a case and must consider only the evidence presented. This does not preclude a judge from asking questions in court.

A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(67) is not violated through law clerks or other personnel on the judge's staff.

If communication between the trial judge and the appellate court with respect to a proceeding is permitted, a copy of any written communication or the substance of any oral communication should be provided to all parties."

You may also read the [Order](#) on line.

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Daniel T. Eismann
Justice Roger S. Burdick
Justice Jim Jones
Justice Warren E. Jones
Justice Joel Horton

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

451 West State St.
Boise, ID 83702
Phone: 208-334-2246
FAX: 208-947-7590
E-mail: *ptobias@idcourts.net*

Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

